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**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2011-563

**LEIGH ANNE YOUNG AKA LEIGH
ANNE NORRIS
P.O. Box 3522
Apple Valley, CA 92307
Registered Nurse License No. 357328**

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

Respondent.

FINDINGS OF FACT

1. On or about December 22, 2010, Complainant Louise R. Bailey, M.Ed., RN, in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs (Board), filed Accusation No. 2011-563 against Leigh Anne Young aka Leigh Anne Norris (Respondent) before the Board of Registered Nursing. (Accusation attached as Exhibit A.)

2. On or about March 31, 1983, the Board of Registered Nursing issued Registered Nurse License No. 357328 to Respondent. The Registered Nurse License was in full force and effect at all times relevant to the charges brought herein and expired on January 31, 2011. This lapse in licensure, however, pursuant to Business and Professions Code section 118(b) and/or agency-specific statute does not deprive the Board of its authority to institute or continue this disciplinary proceeding.

3. On or about December 22, 2010, Respondent was served by Certified and First Class Mail copies of the Accusation No. 2011-563, Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code section 136 and/or agency specific statute or regulation, is required to be reported and maintained with the Board, which was and is:

P.O. Box 3522
Apple Valley, CA 92307.

4. Service of the Accusation was effective as a matter of law under the provisions of Government Code section 11505, subdivision (c) and/or Business & Professions Code section 124.

5. On or about December 30, 2010, the aforementioned documents were returned by the U.S. Postal Service marked "RETURN TO SENDER – BOX CLOSED – UNABLE TO FORWARD – RETURN TO SENDER."

6. Government Code section 11506 states, in pertinent part:

(c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

7. Respondent failed to file a Notice of Defense within 15 days after service upon her of the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 2011-563.

8. California Government Code section 11520 states, in pertinent part:

(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent.

9. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on the relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,

1 as well as taking official notice of all the investigatory reports, exhibits and statements contained
2 therein on file at the Board's offices regarding the allegations contained in Accusation No. 2011-
3 563, finds that the charges and allegations in Accusation No. 2011-563, are separately and
4 severally true and correct by clear and convincing evidence.

5 10. Taking official notice of its own internal records, pursuant to Business and
6 Professions Code section 125.3, it is hereby determined that the reasonable costs for investigation
7 and enforcement are \$3,380.00 as of January 24, 2011.

8 DETERMINATION OF ISSUES

9 1. Based on the foregoing findings of fact, Respondent Leigh Anne Young aka Leigh
10 Anne Norris has subjected her Registered Nurse License No. 357328 to discipline.

11 2. The agency has jurisdiction to adjudicate this case by default.

12 3. The Board of Registered Nursing is authorized to revoke Respondent's Registered
13 Nurse License based upon the following violations alleged in the Accusation:

14 Respondent is subject to disciplinary action under sections 490 and 2761, subdivision (f), in
15 conjunction with California Code of Regulations, title 16, section 1444, on the grounds of
16 unprofessional conduct, in that Respondent was convicted of crimes substantially related to the
17 qualifications, functions or duties of a registered nurse which to a substantial degree evidence her
18 present and / or potential unfitness to practice in a manner consistent with the public health,
19 safety, or welfare.

20 Respondent is also subject to disciplinary action under sections 2761, subdivision (a),
21 and 2762, subdivision (c), on the grounds of unprofessional conduct, in that Respondent was
22 convicted of criminal offenses involving alcoholic beverages and / or controlled
23 substances/dangerous drugs.

24 Respondent is also subject to disciplinary action under sections 2761, subdivision (a),
25 and 2762, subdivision (a), on the grounds of unprofessional conduct, in that Respondent illegally
26 obtained/possessed controlled substances and dangerous drugs, without valid prescriptions.

27 Respondent is also subject to disciplinary action under sections 2761, subdivision (a), and
28 2762, subdivision (b), on the grounds of unprofessional conduct, in that Respondent used

1 controlled substance, dangerous drug or alcoholic beverages, to an extent or in a manner
2 dangerous or injurious to herself or others to an extent that such use impairs her ability to conduct
3 with safety to the public the practice authorized by her license.

4 Respondent is also subject to disciplinary action under section 2761, subdivision (a), and
5 2762, subdivision (e), on the grounds of unprofessional conduct, in that Respondent made false,
6 or grossly incorrect, grossly inconsistent, or unintelligible entries in any hospital, patient, or other
7 record pertaining to controlled substances and dangerous drugs.

8 Finally, Respondent is subject to disciplinary action under section 2761, subdivisions (a)
9 and / or (d), in that Respondent committed acts of unprofessional conduct, and / or acts violating
10 the chapter.

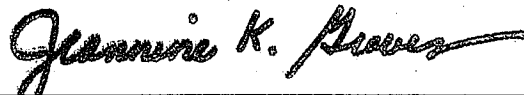
11 ORDER

12 IT IS SO ORDERED that Registered Nurse License No. 357328, heretofore issued to
13 Respondent Leigh Anne Young aka Leigh Anne Norris, is revoked.

14 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
15 written motion requesting that the Decision be vacated and stating the grounds relied on within
16 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
17 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

18 This Decision shall become effective on April 22, 2011.

19 It is so ORDERED March 22, 2011

20 

21 FOR THE BOARD OF REGISTERED NURSING
22 DEPARTMENT OF CONSUMER AFFAIRS

23 60604433.DOC
24 DOJ Matter ID:LA2010600696

25 Attachment:
26 Exhibit A: Accusation
27
28

Exhibit A

Accusation

1 EDMUND G. BROWN JR.
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 CHRISTINA THOMAS
Deputy Attorney General
4 State Bar No. 171168
300 So. Spring Street, Suite 1702
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6 Facsimile: (213) 897-2804
Attorneys for Complainant
7

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. **2011-563**

12 **LEIGH ANNE YOUNG**
13 **aka LEIGH ANNE NORRIS**
P.O. Box 3522
14 Apple Valley, CA 92307

A C C U S A T I O N

15 Registered Nurse License No. 357328

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs (Board).

22 2. On or about March 31, 1983, the Board issued Registered Nurse License No. 357328
23 to Leigh Anne Young aka Leigh Anne Norris (Respondent). The Registered Nurse License was
24 in full force and effect at all times relevant to the charges brought herein and will expire on
25 January 31, 2011, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board under the authority of the following
28 laws. All section references are to the Business and Professions Code unless otherwise indicated.

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1 9. Section 2762 states, in pertinent part:

2 "In addition to other acts constituting unprofessional conduct within the meaning of this
3 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this
4 chapter to do any of the following:

5 "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed
6 physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or
7 administer to another, any controlled substance as defined in Division 10 (commencing with
8 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
9 defined in Section 4022.

10 "(b) Use any controlled substance as defined in Division 10 (commencing with Section
11 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
12 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
13 himself or herself, any other person, or the public or to the extent that such use impairs his or her
14 ability to conduct with safety to the public the practice authorized by his or her license.

15 "(c) Be convicted of a criminal offense involving the prescription, consumption, or
16 self-administration of any of the substances described in subdivisions (a) and (b) of this section,
17 or the possession of, or falsification of a record pertaining to, the substances described in
18 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
19 thereof.

20

21 "(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any
22 hospital, patient, or other record pertaining to the substances described in subdivision (a) of this
23 section."

24 10. Section 2770.11 states:

25 ~~"(a) Each registered nurse who requests participation in a diversion program shall agree~~
26 to cooperate with the rehabilitation program designed by the committee and approved by the
27 program manager. Any failure to comply with the provisions of rehabilitation program may
28 result in termination of the registered nurse's participation in a program. The name and license

number of a registered nurse who is terminated for any reason, other than successful completion, shall be reported to the board's enforcement program.

"(b) If the program manager determines that a registered nurse, who is denied admission into the program or terminated from the program, presents a threat to the public or his or her own health and safety, the program manager shall report the name and license number, along with a copy of all diversion records for that registered nurse, to the board's enforcement program. The board may use any of the records it receives under this subdivision in any disciplinary proceeding."

REGULATORY PROVISIONS

11. California Code of Regulations, title 16, section 1444 states, in pertinent part:

"A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. Such convictions or acts shall include but not be limited to the following:

"(a) Assaultive or abusive conduct including, but not limited to, those violations listed in subdivision (d) of Penal Code Section 11160.

....

"(c) Theft, dishonesty, fraud, or deceit. . . ."

COST RECOVERY

12. Section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

CONTROLLED SUBSTANCES / DANGEROUS DRUGS

13. ~~Demerol~~, a brand of meperidine hydrochloride, a derivative of the narcotic substance pethidine, is a Schedule II controlled substance as designated by Health and Safety Code section 11055(c)(17), and is categorized as a dangerous drug pursuant to section 4022.

///

1 14. **Meprobamate** is a Schedule IV controlled substance as designated by Health and
2 Safety Code section 11057(d)(18), and is categorized as a dangerous drug pursuant to
3 section 4022.

4 15. **Phenobarbital**, a **barbiturate**, is a Schedule IV controlled substance as designated
5 by Health and Safety Code section 11057(d)(26), and is categorized as a dangerous drug pursuant
6 to section 4022.

7 **TERMINATION FROM DIVERSION PROGRAM**

8 16. In or about December 2007, Respondent completed the Registered Nursing Board's
9 Diversion Program.

10 17. On or about July 2008, Respondent admittedly relapsed.

11 18. On or about April 1, 2009, Respondent, again, enrolled in the Board's Diversion
12 Program.

13 19. On or about February 3, 2010, Respondent tested positive for Meprobamate without a
14 valid prescription.

15 20. On or about February 11, 2009, Respondent was admitted to Victor Valley Hospital,
16 Emergency Room, when she lost consciousness while working the nursery area of the hospital
17 while on duty. Respondent admitted to taking 100 mg of Demerol from a surgical Pyxis¹ and
18 administered it to herself. Respondent failed to report this incident to her diversion program case
19 manager.

20 21. On or about March 10, 2010, Respondent tested positive for Meprobamate without a
21 valid prescription. Respondent was mandated to inpatient treatment.

22 22. On or about April 10, 2010, Respondent completed her mandated inpatient treatment.

23 23. On or about April 23, 2010, without first advising her diversion program case
24 manager, Respondent tested positive for Phenobarbital and Barbiturates.

25 ///

26 ¹ Pyxis is a trade name for the automated single-unit dose medication dispensing system
27 that records information such as patient name, physician orders, date and time medication was
28 withdrawn, and the name of the licensed individual who withdrew and administered the
medication.

1 24. On or about April 27, 2010, without first advising her diversion program case
2 manager, Respondent tested positive for Phenobarbital and Barbiturates.

3 25. On or about May 4, 2010, Respondent terminated from the Board's Diversion
4 Program as a Public Safety Risk.

5 **FIRST CAUSE FOR DISCIPLINE**

6 **(Convictions of Substantially Related Crimes)**

7 26. Respondent is subject to disciplinary action under sections 490 and 2761,
8 subdivision (f), in conjunction with California Code of Regulations, title 16, section 1444, on the
9 grounds of unprofessional conduct, in that Respondent was convicted of crimes substantially
10 related to the qualifications, functions or duties of a registered nurse which to a substantial degree
11 evidence her present and / or potential unfitness to practice in a manner consistent with the public
12 health, safety, or welfare, as follows:

13 a. On or about July 2, 2009, after pleading guilty, Respondent was convicted of one
14 felony count of violating Penal Code section 487(a) [grand theft of personal property] in the
15 criminal proceeding entitled *The People of the State of California v. Leigh A. Young* (Super. Ct.
16 San Bernardino County, 2009, No. FVI901108). The Court sentenced Respondent to 90 days in
17 jail, placed her on 36 months of probation, ordered her to neither possess nor consume alcoholic
18 beverages or controlled substances without a valid prescription, and ordered her to pay Victor
19 Valley Hospital restitution in the amount of \$3,465.00.

20 b. The circumstances underlying the conviction are that on or about February 11, 2009,
21 Respondent admitted to stealing Demerol via Pyxis machines on a daily basis from her place of
22 employment, Victor Valley Hospital. Victor Valley Hospital performed an audit on Respondent's
23 Pyxis withdrawals for the period of January 17, 2009 – February 11, 2009. The audit revealed
24 that Respondent withdrew 103 doses of Demerol from the hospital's Pyxis and only four (4) of
25 the 103 doses were administered to patients.

26 c. On or about August 27, 2009, after pleading guilty, Respondent was convicted of one
27 misdemeanor count of violating Vehicle Code section 23152(a) [driving while under the
28 influence of alcohol/drugs] in the criminal proceeding entitled *The People of the State of*

1 *California v. Leigh Anne Young* (Super. Ct. San Bernardino County, 2009, No. TVI901611). The
2 Court sentenced Respondent to one (1) day in jail, placed her on 36 months of probation, and
3 ordered her to complete a court approved, three (3) months, first offender alcohol program.

4 d. The circumstances underlying the conviction are that on or about March 29, 2009,
5 Respondent admitted to consuming alcohol and driving a vehicle while under the influence of
6 alcohol. The arresting officer, a San Bernardino Sheriff's Deputy, observed Respondent's vehicle
7 stuck and spinning its tires with smoke spewing out. As he approached Respondent's vehicle, he
8 observed the back tire had been completely shredded off the rim and that both rear wheels were
9 buried in the dirt. He also observed Respondent laying her head on the passenger seat. Prior to
10 her arrest, Respondent admitted to the officer that she drove after having "three drinks" but stated
11 that she could not remember what type of drinks she consumed.

12 **SECOND CAUSE FOR DISCIPLINE**

13 **(Convictions Involving Drugs/Alcohol)**

14 27. Respondent is subject to disciplinary action under sections 2761, subdivision (a),
15 and 2762, subdivision (c), on the grounds of unprofessional conduct, in that Respondent was
16 convicted of criminal offenses involving alcoholic beverages and / or controlled
17 substances/dangerous drugs. Complainant refers to and by this reference incorporates the
18 allegations set forth above in paragraphs 16 -26, inclusive, as though set forth fully.

19 **THIRD CAUSE FOR DISCIPLINE**

20 **(Illegally Obtain/Possess Controlled Substances)**

21 28. Respondent is subject to disciplinary action under sections 2761, subdivision (a),
22 and 2762, subdivision (a), on the grounds of unprofessional conduct, in that Respondent illegally
23 obtained/possessed controlled substances and dangerous drugs, without valid prescriptions.
24 Complainant refers to and by this reference incorporates the allegations set forth above in
25 paragraphs 16 -27, inclusive, as though set forth fully.

26 **FOURTH CAUSE FOR DISCIPLINE**

27 **(Dangerous Use of Controlled Substances/Alcohol)**

28 29. Respondent is subject to disciplinary action under sections 2761, subdivision (a),

1 and 2762, subdivision (b), on the grounds of unprofessional conduct, in that Respondent used
2 controlled substance, dangerous drug or alcoholic beverages, to an extent or in a manner
3 dangerous or injurious to herself or others to an extent that such use impairs her ability to conduct
4 with safety to the public the practice authorized by his or her license. Complainant refers to and
5 by this reference incorporates the allegations set forth above in paragraphs 16 -28, inclusive, as
6 though set forth fully.

7 **FIFTH CAUSE FOR DISCIPLINE**

8 **(False Hospital Records)**

9 30. Respondent is subject to disciplinary action under section 2761, subdivision (a),
10 and 2762, subdivision (e), on the grounds of unprofessional conduct, in that Respondent made
11 false, or grossly incorrect, grossly inconsistent, or unintelligible entries in any hospital, patient, or
12 other record pertaining to controlled substances and dangerous drugs. Complainant refers to and
13 by this reference incorporates the allegations set forth above in paragraphs 16 -29, inclusive, as
14 though set forth fully.

15 **FIFTH CAUSE FOR DISCIPLINE**

16 **(Unprofessional Conduct)**

17 31. Respondent is subject to disciplinary action under section 2761, subdivisions (a) and /
18 or (d), in that Respondent committed acts of unprofessional conduct, and / or acts violating the
19 chapter. Complainant refers to and by this reference incorporates the allegations set forth above
20 in paragraphs 16 -28, inclusive, as though set forth fully.

21 **PRAYER**

22 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
23 and that following the hearing, the Board of Registered Nursing issue a decision:

24 1. Revoking or suspending Registered Nurse License No. 357328, issued to Leigh Anne
25 Young;

26 2. Ordering Leigh Anne Young to pay the Board the reasonable costs of the
27 investigation and enforcement of this case, pursuant to section 125.3; and,

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3. Taking such other and further action as deemed necessary and proper.

DATED: 12/22/10

Louise R. Bailey
LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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